

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Netherlands Antilles

Food and Agricultural Import Regulations and Standards - Narrative

Curacao FAIRS Country Report

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Report Highlights:

Updated Sections: I & V and Appendix II.

With the dissolution of the Netherlands Antilles in 2010, Curaçao, now an autonomous country within the Kingdom of the Netherlands, is fully responsible for its own regulation of imported food and agricultural products. For Curaçao, which was home to the Government of the Netherlands Antilles, the transition has consisted of adopting Netherlands Antilles legislation as its own and some minor renaming of regulatory agencies and shuffling of responsibilities in order to maintain the status quo. Therefore, this regulatory transition has not really impacted trade for the time being and Curaçao remains quite import-friendly to U.S. suppliers.

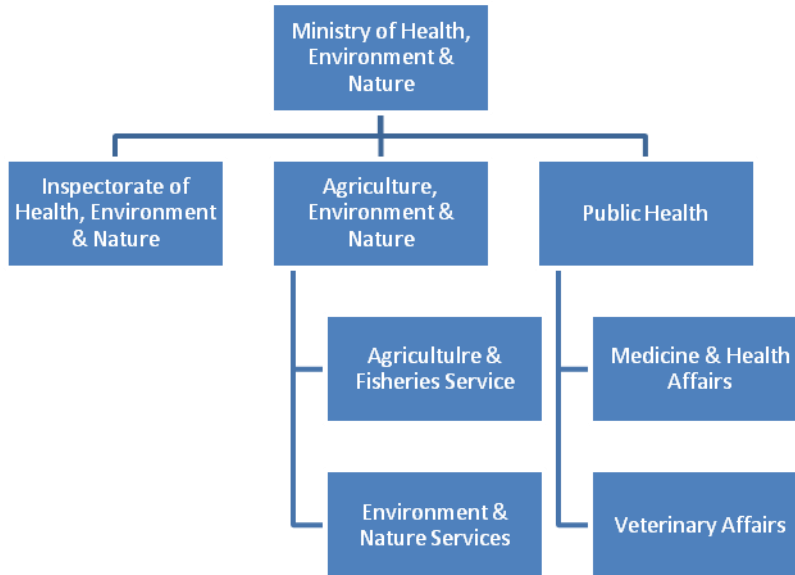
Section I. Food Laws:

This report was prepared by the Caribbean Basin Agricultural Trade Office (CBATO) of the USDA/Foreign Agricultural Service in Miami, Florida, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in preparation of this report, information provided may not be completely accurate, either because policies have changed since its preparation or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers who are normally best equipped to research such matters with local authorities before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF THE PRODUCT ENTRY.

Following the October 2010 dissolution of the Netherlands Antilles, Curaçao and Sint Maarten became autonomous countries within the Kingdom of the Netherlands. The remaining three islands (Bonaire, Sint Eustatius and Saba), also known as the BES Islands, became extraordinary overseas municipalities of the Kingdom. Please note that this FAIRS Country Report is specific to Curaçao. For information on Sint Maarten's import regulations and standards please refer to the Sint Maarten FAIRS Country Report. For information pertaining to the BES Islands' import regulations and standards, U.S. suppliers may contact the CBATO. See Appendix II for contact information.

Given its new country status, Curaçao is transitioning from being part of a dependent Dutch collectivity to a mostly self-governing country (the Netherlands still retain responsibility for foreign affairs and defense). In terms of regulating imports of food and agricultural products, the first stage of the transition involved adopting existing Netherlands Antilles legislation as Curaçao legislation, which in essence maintained the status quo. Currently, the main legislation governing food and agricultural products is the Food Act (formerly the Netherlands Antilles Food Law 334 of 1997). The Government of Curaçao will try to update food safety and other food related laws as needed.

The governmental transition has also meant some minor changes in regulatory structures and shuffling of responsibilities. As shown in the following diagram, the Ministry of Public Health, Environment, and Nature currently houses the key regulatory agencies with responsibility for imported foods and agricultural products. Of these, the Inspectorate of Health, Environment and Nature is the main regulatory agency for most processed foods. Most of their inspection is done at the retail level although they may also conduct random checks at the port of entry. The Veterinary Affairs Department handles imports of live animals and unprocessed meat products. The Agriculture and Fisheries Service handles plant products. These last two agencies conduct most of their inspection at the port of entry.



Section II. Labeling Requirements:

Labeling requirements are based on European laws. However, Curaçao accepts U.S. food labels and for the most part does not restrict U.S. products because of labeling issues. No additional labeling requirements are placed on U.S. products. There are no special requirements for sample-size products or institutional packed product for the food service sector. The U.S. nutritional fact panel is acceptable. U.S. suppliers should be aware that health claims are generally not acceptable and any such claims must be approved in advance by the Inspectorate of Health, Environment and Nature (see Appendix I for contact information).

Section III. Packaging and Container Regulations:

Curaçao has no major regulations dealing with food packaging that restrict trade of U.S. products in any way. The Food Act simply specifies that packaging for food products must not be harmful to humans.

Section IV. Food Additives Regulations:

The CBATO has not been made aware of any problems with U.S. products in this regard. Curaçao tends to follow Codex standards for food additives. The Inspectorate of Health, Environment and Nature maintains its own positive list of additives. Copies of the approved list of additives can be obtained from the Inspectorate (see Appendix I for contact information).

Section V. Pesticides and Other Contaminants:

Legislation dealing with pesticide use (Decree 116) dates back to 1961 and has been adopted into country law (Pesticide Ordinance) by Curaçao. One of the stipulations of the Pesticide Ordinance is that pesticides can only be imported and marketed in Curaçao if the Inspector of Health Protection has been notified at least three months in advance. Article 2 of this law describes the procedure of the above mentioned notification and stipulates the need for a sample to be submitted. Additional documentation may also be required from the applicant. The Inspectorate maintains a list of prohibited pesticides. For pesticides and other contaminants in food products that are not prohibited, the Inspectorate relies on internationally accepted Codex standards and/or U.S. guidance. Further information and copies of the prohibited pesticide list can be obtained from the

Inspectorate (see Appendix I for contact information).

Section VI. Other Regulations and Requirements:

Products are not required to be registered or laboratory tested. Product samples shipped via express mail or parcel post are subject only to a customs duty. Processed products are monitored at the retail level, while for animal and plant products enforcement is carried out mostly at the port of entry.

Section VII. Other Specific Standards:

No special import permits or licenses are required. However, U.S. exporters should be aware that plant products (e.g. fresh produce) require a phytosanitary export certificate and meat products and other animal products require a health certificate from the appropriate regulatory agency in the country of origin. A certificate of free sale is required for most processed products.

Section VIII. Copyright and/or Trademark Laws:

The Bureau of Intellectual Property of Curaçao (formerly of the Netherlands Antilles) is the agency which enables right holders to exercise their intellectual property rights in both Curaçao and Sint Maarten in accordance with national and international standards. The Bureau carries out the National Trademark Ordinance (National Gazette 1996, No. 188) and the National Trademark Decree (National Gazette 2000, No. 147). Trademark registration, which is voluntary, is a rather simple procedure and is normally carried out by an agent authorized by the Bureau. Registration affords trademark protection for a 10 year period and is renewable, upon request, for periods of 10 years. To carry out a search of registered trademarks and to obtain a list of authorized agents and registration fees, U.S. companies can contact the Bureau (See Appendix I for complete contact information).

It is worth noting that registrations made previously with the Bureau of Intellectual Property of the Netherlands Antilles will remain in effect throughout the former Netherlands Antilles (Curaçao, Sint Maarten, Bonaire, Sint Eustatius, and Saba) until their expiration.

Section IX. Import Procedures:

Customs clearance is normally handled by a Customs broker. Upon presentation of normal import documentation (commercial invoice, bill of lading, phytosanitary or health certificate where required, and Customs declaration), the shipment is reviewed and if accepted it is entered into the Customs Department electronic system. Import documentation is accepted in Dutch and Papiamentu (the official languages), as well as in English and Spanish. However, the Customs declaration must be in Dutch. Duty is paid directly to the Customs Department. For disputed or rejected product, there is a formal appeal process which allows the importer to make an appeal directly with Customs.

The length of time for clearance depends on various factors, such as, the number of container ships arriving at the same time, how quickly they can be unloaded and when they are transported to the importer. Perishable goods have priority and usually are cleared within one day. Dry goods can be cleared within 2 days.

Appendix I. Government Regulatory Agency Contacts:

FOR FOOD IMPORT REGULATIONS, CONTACT:

Inspectorate of Health, Environment & Nature
Ministry of Public Health, Environment & Nature
Apna Building
Willemstad, Curacao
Tel: 011 (599-9) 466-9366, 466-9362
TeleFax: 011 (599-9) 466-9367

(processed food products)

Veterinary Affairs
Ministry of Public Health, Environment & Nature
Abattoirweg 15
Willemstad, Curaçao
Tel: 011 (599-9) 461-4000
Fax: 011 (599-9) 461-1014
Email: vetdcur@onenet.an

(Meat and animal products)

Dept. of Agriculture & Fisheries Management
Ministry of Public Health, Environment & Nature
Willemstad, Curaçao
Tel: 011 (599-9) 737-0288
Fax: 011 (599-9) 737-0723

(Plant products)

FOR CUSTOMS PROCEDURES AND TARIFFS, CONTACT:

Customs & Excise Department
Sha Caprileskade / Handelskade
Curaçao
T: 011 (599-9) 434-5300, 5357
F: 011 (599-9) 461-6557, 465-5544

FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Bureau for Intellectual Property of Curaçao
Berg Carmelweg 10-A
Willemstad, Curaçao
Tel: 011 (599-9) 465-7800
Fax: 011 (599-9) 465-7692, 465-7815
E-mail: bipantil@curinfo.an
Website*: www.bip.an

* The above website is provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such website.

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office (CBATO)

Foreign Agricultural Service

U.S. Department of Agriculture

909 SE 1st. Ave Suite 720

Miami, FL 33131

Tel: (305) 536-5300

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